

REMARKS

This application has been reviewed in light of the Office Action dated November 13, 2009. Claims 38 and 40-44 are presented for examination, of which Claims 38 and 40 are in independent form. Claims 27-37, 39, and 45-60 have been withdrawn from consideration. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 38 and 40-44 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2004/0000881 (Flory).

Applicants have carefully studied the Office Action and the prior art, but believe, for the following reasons, that the independent claims are in fact allowable over the prior art.

Claim 38

Applicants believe it is worthwhile to reproduce Claim 38 in full:

"A lamp operating device arranged to operate a lamp, the lamp operating device being operable in one of a plurality of available operational modes selectable by a central control unit, the lamp operating device also arranged to interpret commands provided by a local control unit, based on the available operational mode selected by the central control unit, to control the lamp."

Applicants wish to point out that, according to Claim 38, the claimed lamp operating device must be "operable in one of a plurality of available operational modes" - that is, must be capable of operating in at least two modes, among which a selection can be made. The selection, according to Claim 38, is made by a central control unit. As the Office Action recognizes, the central control unit is not itself part of the claimed lamp operating device; according to Claim 38,

however, the lamp operating device is able in some fashion to respond to a selection by the central control unit, so as to assume the selected operational mode.

In addition, according to Claim 38, the lamp operating device is "to interpret commands provided by a local control unit, ..., to control the lamp"; that is, the claimed device also is able to receive and interpret commands from a local control unit (which, like the central control unit, is not part of the claimed device). According to Claim 38, further, the lamp operating device performs this interpretation "based on the available operational mode selected by the central control unit".

Thus, the device claimed in Claim 38:

- (a) can respond to the central control unit selecting an operational mode by assuming the selected operational mode;
- (b) receive commands from another source, the local control unit; and
- (c) based on the selected operational mode, interpret those commands it receives from the local control unit.

The Office Action Fails to Make Out Even a Prima Facie Case of Unpatentability as to Claim 38

The Office Action cites element 12 of *Flory* as corresponding to the central control unit referred to in Claim 38, and to ballasts 16 as corresponding to the local control unit referred to in that claim (see page 2 of the Office Action). The Office Action does not, however, make clear what the Examiner considers to correspond to the claimed lamp operating device itself. Since as noted above the claimed device assumes one or another of plural possible

operational modes, and then interprets commands it receives in a fashion that depends on the mode it is in, and since the Office Action denotes elements 12 and 16 as being the control units referred to in the claim, then the claimed lamp operating device in *Flory* must presumably be something that responds to control device 12 and ballasts 16, and that operates a lamp. As far as Applicants can see, however, the only things in *Flory* that are controlled by elements 12 and 16 are elements 18, which are the lamps themselves (see col. 4, lines 28-33). Thus, it must be concluded that if the Office Action is correct in equating control circuit 12 of *Flory* with the central control unit and ballasts 16 with the local control unit referred to in Claim 38, then there is nothing at all in *Flory* that could possibly correspond to what Applicants are actually claiming, the lamp operating device.

Accordingly, it is believed plain that Claim 38 is allowable over *Flory*.

Claim 40

Independent Claim 40 is similar to Claim 38, but is a method claim:

“A method for operating a lamp by means of a lamp operating device, wherein the method comprises:

selecting, by a central control unit, one of a plurality of available operational modes for the lamp operating device; and
at the lamp operating device, interpreting at least one command provided by a local control unit, depending on the operating mode selected in the selecting, to control the lamp based on the operational mode selected in the selecting.”

Thus, Claim 40 recites selection of an operational mode at the central control unit, and also recites that a lamp operating device interprets a command from a local control unit in a fashion that depends on the selected operating mode. Accordingly, it is believed clear that the foregoing

remarks concerning Claim 38 apply equally to Claim 40, which must also be considered allowable over *Flory*.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims under examination in this application depend from one or the other of the independent claims discussed above, and, therefore, are submitted to be patentable over the prior art for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100 or by facsimile at (212) 218-2200. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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